

*REMARKS/ARGUMENTS**Information Disclosure Statement*

Applicants submit herewith an Information Disclosure Statement, which identifies an Office Action dated July 17, 2009 in copending Japanese Application No. 2004-535429. Applicants respectfully request that the Examiner consider the Information Disclosure Statement and cited report.

The Pending Claims

Claims 1-6, 9-15, and 17-24 are pending currently and are directed to microcapsules comprising a core containing at least one rubber additive, at least two shells made of an amino resin, and a sliding or wearing layer applied to the surface of the microcapsules. Reconsideration of the pending claims is respectfully requested.

The Amendments to the Claims

Claim 1 has been amended to recite that the microcapsules comprise a core containing at least one rubber additive, at least two shells made from an amino resin, and at least one sliding or wearing layer applied to the surface of the microcapsules selected from the group of polyacrylates, polyacrylonitriles, polyethylene glycols, ethyl celluloses, starch fatty acid esters and starch carbamates of long-chain isocyanates, or from low-molecular inorganic or organic compounds selected from the group of waxes, fatty acid derivatives, silicones, siloxanes and silicates. Support for this amendment can be found, e.g., at page 6, ll. 1-7 and 16-17, and in original claims 6-8.

Claim 12 has been amended to recite its dependence on claim 1 and to comport with the amendments in claim 1. In addition, claim 12 has been amended to recite that the method comprises the steps of c) depositing the second shell from a prepolymer solution that forms the second shell and d) depositing at least one sliding or wearing layer on the surface of the microcapsules. Support for this amendment can be found, e.g., at page 7, line 27, to page 8, line 26.

The language of claims 2, 6, 14, and 17-21 has been amended so as to comport with the amendments to claims 1 and/or 12. Claims 7, 8, and 16 have been cancelled. Claims 5 and 9

have been amended to remove preferred ranges. New claims 23 and 24 have been added and are directed to the preferred embodiments previously recited in claims 5 and 9.

No new matter has been added by way of these amendments.

Summary of the Office Action

Claims 12-21 stand rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Claims 1-5, 8, 11, and 22 stand rejected under 35 U.S.C. § 102(e) as anticipated by Menting (i.e., US 2003/0165682). Claims 7, 9, and 10 stand rejected under 35 U.S.C. § 103(a) as obvious over Menting. Claim 6 stands rejected under 35 U.S.C. § 103(a) as obvious over Menting in view of Johnson (i.e., US 2,623,079). Claims 12-21 stand rejected under 35 U.S.C. § 103(a) as obvious over Menting in view of Johnson and Okada et al. (i.e., US 4,670,344).

The Indefiniteness Rejection

The indefiniteness rejection is moot in view of the amendment to claim 12 to delete the phrase “e.g.” Accordingly applicants respectfully submit that the indefiniteness rejection should be withdrawn.

The Anticipation Rejection

The anticipation rejection is moot in view of the amendments to claim 1.

None of the cited references discloses microcapsules comprising a core containing at least one rubber additive, at least two shells made from an amino resin, and at least one sliding or wearing layer applied to the surface of the microcapsules wherein the sliding or wearing layer is selected from the group of polyacrylates, polyacrylonitriles, polyethylene glycols, ethyl celluloses, starch fatty acid esters and starch carbamates of long-chain isocyanates, or from low-molecular inorganic or organic compounds selected from the group of waxes, fatty acid derivatives, silicones, siloxanes and silicates.

Menting is directed to microcapsules comprising a composition containing a rubber additive encased in a coating material. Nothing in Menting teaches that the microcapsules contain a core with at least two shells, let alone two shells *made from an amino resin*. Moreover, nothing in Menting teaches that the microcapsules can comprise a core, two shells,

and further contain a sliding or wearing layer applied to the surface of the core and at least two shells. Furthermore, nothing in Menting teaches that the microcapsules can comprise a core, two shells, and a sliding or wearing layer, wherein the sliding or wearing layer is selected from the group of polyacrylates, polyacrylonitriles, polyethylene glycols, ethyl celluloses, starch fatty acid esters and starch carbamates of long-chain isocyanates, or from low-molecular inorganic or organic compounds selected from the group of waxes, fatty acid derivatives, silicones, siloxanes and silicates.

Johnson also fails to disclose all the elements of the invention recited in the pending claims. Johnson is directed to a method of vulcanizing rubber with sulfur, wherein the sulfur is finely divided and coated with a protective or sealing layer of a film forming material such as water soluble urea formaldehyde, melamine formaldehyde, and methyl cellulose resins. Nothing in Johnson teaches microcapsules comprising a core, two shells and further containing a sliding or wearing layer as recited in the pending claims.

Okada similarly fails to disclose all the elements of the invention recited in the pending claims. Okada is directed to a microcapsule for pressure sensitive recording paper. Nothing in Okada teaches microcapsules comprising a core containing a rubber additive, two shells and further containing a sliding or wearing layer as recited in the pending claims.

Because the cited references fail to disclose each and every element of the pending claims, and indeed fail to disclose numerous elements of the pending claims, Applicants respectfully submit that the anticipation rejection should be withdrawn.

The Obviousness Rejections

The obviousness rejections are also moot in view of the amendments to the claims.

As discussed above, Menting is directed to microcapsules comprising a composition containing a rubber additive encased in a coating material. Nothing in Menting teaches or suggest that the microcapsules contain a core with at least two shells, let alone two shells *made from an amino resin*. Moreover, nothing in Menting teaches or suggests that the microcapsules can comprise a core, two shells, and further contain a sliding or wearing layer applied to the surface of the core and at least two shells. Furthermore, nothing in Menting teaches or suggests that the microcapsules can comprise a core, two shells, and a sliding or

wearing layer, wherein the sliding or wearing layer is selected from the group of polyacrylates, polyacrylonitriles, polyethylene glycols, ethyl celluloses, starch fatty acid esters and starch carbamates of long-chain isocyanates, or from low-molecular inorganic or organic compounds selected from the group of waxes, fatty acid derivatives, silicones, siloxanes and silicates.

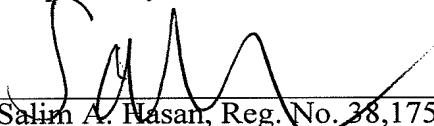
Johnson and Okada, taken alone or in combination, fail to cure the deficiencies of Menting because neither Johnson nor Okada teaches or suggests microcapsules comprising a core, two shells and further containing a sliding or wearing layer as recited in the pending claims.

Because the cited references, taken alone or in combination, fail to teach or suggest each and every element of the pending claims as amended, Applicants respectfully submit that the obviousness rejections are improper and should be withdrawn.

Conclusion

Applicants respectfully submit that the patent application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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